

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 17, 2023**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

CLIFTON W.,

Plaintiff,

v.

KILOLO KIJAKAZI, ACTING  
COMMISSIONER OF SOCIAL  
SECURITY,

Defendant.

No. 1:23-CV-03050-ACE

ORDER GRANTING STIPULATED  
MOTION TO REMAND PURSUANT  
TO SENTENCE FOUR OF 42 U.S.C.  
§ 405(g)

**ECF No. 16**

**BEFORE THE COURT** is the parties' stipulated motion to remand the above-captioned matter to the Commissioner for additional administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). ECF No. 16. Attorney D. James Tree represents Plaintiff; Special Assistant United States Attorney David J. Burdett represents Defendant. After considering the file and proposed order, **IT IS ORDERED:**

1. The parties' Stipulated Motion to Remand, **ECF No. 16**, is **GRANTED**. The above-captioned case is **REVERSED** and **REMANDED** to the Commissioner of Social Security for further administrative action pursuant to sentence four of 42 U.S.C. § 405(g).

On remand, the Appeals Council shall instruct the Administrative Law Judge (ALJ) to: (1) attempt to obtain the claimant's recent treatment records from Dr. DiMeo, including the more recent physical exam of the claimant; (2) re-evaluate the medical evidence and clarify the finding as to Dr. Coe's opinion in light of the

ORDER GRANTING STIPULATED MOTION FOR REMAND - 1

1 record as a whole; and (3) offer the claimant the opportunity for a hearing, take  
2 further action to complete the administrative record resolving the above issues, and  
3 issue a new decision.

4 2. **Judgment shall be entered for PLAINTIFF.**

5 3. Plaintiff's Opening Brief, **ECF No. 10**, is **STRICKEN AS MOOT**.

6 4. An application for attorney fees and costs may be filed by separate  
7 motion.

8 **IT IS SO ORDERED.** The District Court Executive is directed to enter this  
9 Order, forward copies to counsel, and **CLOSE THE FILE**.

10 DATED October 17, 2023.



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A handwritten signature in blue ink, reading "Alexander C. Ekstrom", is written over a horizontal line.

ALEXANDER C. EKSTROM

UNITED STATES MAGISTRATE JUDGE